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4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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7 JOHN HARDNEY,
8 Plaintiff,
9 vs.
10 ANTHONY LAMARQUE, et al.,
11 Defendants.

No. 2:04-CV-0476-RRB-KJM P

ORDER

12 Plaintiff John Hardney ("Plaintiff"), a state prisoner
13 proceeding pro se, has filed this civil rights action seeking
14 relief under 42 U.S.C. § 1983. The matter was referred to a United
15 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and
16 Local General Order No. 262.

17 On August 2, 2007, Magistrate Judge Kimberly J. Mueller
18 filed Findings & Recommendations (Docket 28) herein, which were
19 served on all parties and which contained notice to all parties
20 that any objections to the same were to be filed within twenty
21 days. The time period has now expired and neither party has filed
22 objections to the Findings & Recommendations.

The Court has reviewed the file and finds the Findings & Recommendations at Docket 28 to be supported by the record and by proper analysis.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Findings & Recommendations at **Docket 28**, filed on August 2, 2007, are adopted in full; and

2. Defendants' Motion to Dismiss at **Docket 25** is **DENIED**.

ENTERED this 2nd day of October, 2007.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE